

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Thomas Green, *et al.*,

Plaintiffs,

v.

City of Allentown, *et al.*,

Defendants.

No. 10-cv-03231

Honorable Lawrence F. Stengel, J.

FILED

RECEIVED
By: [Signature]

Stipulation

AND NOW come the Parties, by and through their undersigned counsel, and hereby stipulate as follows, pending approval of the Court:

WHEREAS, on July 2, 2010, Plaintiffs filed a Complaint against Defendants, City of Allentown (hereinafter "City"), Police Officer Craig Maschmeyer, and Police Officer Lonny Bryfogle (hereinafter collectively "Defendants"), asserting claims for: 1) Excessive Force; 2) Unlawful Search and Seizure; 3) Unlawful Arrest; 4) Malicious Prosecution; 5) Due Process; 6) Assault; 7) Battery; 8) False Arrest (state tort law); 9) False Imprisonment; 10) Intentional Infliction of Emotional Distress; and 11) Loss of Consortium; and

WHEREAS, on October 6, 2010, Defendants filed a Motion to Dismiss Plaintiffs' Complaint, in Part, Pursuant to FED. R. CIV. P. 12(b)(6); and

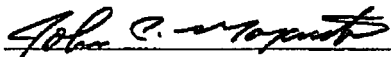
WHEREAS, Plaintiffs do not contest Defendants' Motion:

1. Plaintiffs agree that all claims against Defendant City of Allentown shall be dismissed with prejudice;

2. Count III of Plaintiffs' Complaint shall be dismissed to the extent that such claim is derivative of Plaintiff Thomas Green's claim for violations of civil rights pursuant to 42 U.S.C. § 1983.

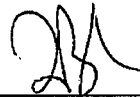
Respectfully submitted,

DEASEY, MAHONEY, VALENTINI & NORTH, LTD. JOSEPH CHAIKEN & ASSOCIATES, P.C.



John P. Morgenstern, Esquire
Rufus A. Jennings, Esquire

Date: 12/15/2010



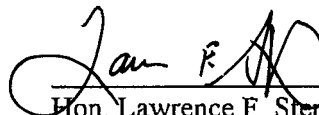
Lee S. Bender, Esquire

Date: 12/20/10

Order

AND NOW, this 31 day of January, 2011, the foregoing Stipulation is **APPROVED** as an Order of Court.

By the Court:



Hon. Lawrence F. Stengel, J.